

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA  
BOARD OF LICENSED  
PROFESSIONAL COUNSELORS

IN THE MATTER OF: )

DONNA M. KORNEGAY, LPCS )

Respondent. )

No. 1766 )

**CONSENT ORDER**

THIS CAUSE, coming on to be heard and being heard before the North Carolina Board of Licensed Professional Counselors (“the Board”), at its meeting on 7 JUNE, 2019, pursuant to a charge letter issued by the Board on November 7, 2018, which is now pending; and

IT APPEARING to the Board that the Respondent has stipulated to certain facts and to the entry of a Consent Order in conformity therewith;

IT IS HEREBY STIPULATED by the undersigned Respondent and the Board that:

1. Respondent was at all times relevant to this cause a licensed professional counselor supervisor and is subject to the Board’s jurisdiction pursuant to the North Carolina Licensed Professional Counselors Act, Chapter 90, Article 24 of the North Carolina General Statutes.
2. During the period from on or about March 16, 2018, to on or about August 11, 2018, Respondent provided counseling services to client BD, at a mental health services practice in North Carolina. During the time Respondent provided counseling services to BD Respondent told the client that she would file her out-of-network third party insurance claims, but never did so. In addition, when BD inquired about the claims on several occasions, Respondent responded that she would check on the claims, which led BD to believe Respondent had filed them for her. Text messages dated May 21, 2018, June 5, 2018, June 18, 2018, July 12, 2018, and July 17, 2018, which Respondent submitted with her written response establish that on five separate occasions BD sent Respondent messages to inquire about her insurance claim reimbursements and that Respondent responded that she had filed with insurance. After receipt of these text messages from Respondent, BD contacted the practice owner and learned that Respondent had not filed the insurance claims.
3. In addition, there was no documentation in Respondent’s notes of counseling services to BD of the following: a treatment plan; any reference of therapy interventions in Respondent’s session notes; or any documentation of termination of treatment or that a referral list was provided to the client. BD’s clinical file contained a document dated March 16, 2018, for BD to consent to Respondent electronically submitting her insurance information for the purpose of BD receiving direct reimbursement from her insurance company, but Respondent failed to obtain BD’s signature on the document.
4. Respondent admits that her conduct as set forth above in paragraph numbers 2-3 violates Sections A.1.a., A.1.b., A.1.c., A.2.a., A.2.b., and B.6.a. of the American Counseling Association Code of Ethics (2014) and violations of N.C. Gen. Stat. §§ 90-340 (a)(4), (a)(9) of the North

Carolina Licensed Professional Counselors Act.

5. The Board and Respondent wish to avoid the time and the costs associated with full litigation of this matter and, in lieu of any proceedings, enter into this Consent Order.

6. Respondent expressly waives notice of hearing, a hearing, the making of findings of fact and conclusions of law, and all further proceedings before the Board to which the Respondent may be entitled by law. Respondent further agrees that presentation of this Consent Order to the Board for approval shall not constitute improper ex parte communication between the Board and its counsel, or the Board and its staff, nor require the recusal of the members of the Board from consideration of this matter before the full Board, should a hearing be required in this case.

7. Respondent forever releases the State of North Carolina, the North Carolina Board of Licensed Professional Counselors, and all its members, officials, agents, representatives and employees, both past and present, in their individual or official capacities from any and all liability, suits, claims, and causes of action, arising prior to or as a result of the execution of this Consent Order.

8. Respondent waives the right to seek judicial review or to otherwise challenge the validity of this Consent Order in any court. Respondent understands and agrees that this Consent Order shall be effective only after approval by the full Board and signature of its Chairperson.

9. This Consent Order contains the entire agreement between the undersigned, there being no agreement of any kind, verbal or otherwise, which varies, alters, or adds to this Consent Order.

Based upon the record and the foregoing stipulations,

NOW, THEREFORE IT IS HEREBY ORDERED as follows:

I. Respondent's license as a Licensed Professional Counselor Supervisor shall be placed on PROBATION for a period of at least one year or until she successfully completes the following, whichever takes longer to occur:

II. Respondent shall be supervised for a period of one year by a Board approved supervisor for one hour of individual face to face supervision of her counseling practice, regardless of the hours of practice, for no fewer than two sessions per month. Respondent must file a supervision contract and the supervisor must be approved by the Board prior to the beginning of supervision. The supervision contract must be filed with the Board office no later than one month after this Consent Order is executed by the Board.

III. Respondent's supervisor shall submit quarterly supervision reports with the Board at the end of each quarter of supervision. At the conclusion of the one year of supervision, Respondent's Board approved supervisor shall submit a Final Supervision Report to the Board. Respondent must receive at least average ratings from her supervisor on all reports in order to be released from the

supervision. Any costs and associated expenses of this supervision shall be borne by Respondent.

IV. Respondent shall provide a copy of this Consent Order to her Board approved supervisor.

V. Respondent shall complete continuing education coursework from a Board approved continuing education sponsor, as set forth in 21 NCAC 53.0603(c), in each of the following areas: six hours on record keeping, six hours on billing, and three hours on ethics. Upon successful completion of this continuing education coursework, Respondent shall submit a certificate of completion provided by the continuing education sponsor to the Board. This requirement shall be in addition to the continuing education coursework required for all licensees under Board rule. All costs associated with this continuing education shall be borne by Respondent. Respondent shall complete this continuing education within six months of the beginning of the probationary period.

VI. Upon successful completion of the conditions set forth in Roman Numeral II through V, Respondent may make a written request that the Board release her from supervision, which the Board shall grant so long as all conditions have been successfully completed.

VII. Respondent shall not supervisor any other licensed mental health professionals, including LPCAs or LPCs while she is under the conditions of this Consent Order.

VIII. The failure of Respondent to abide by any provisions of this Consent Order, if proven true by a preponderance of the evidence following notice and an opportunity for hearing, shall result in the suspension, revocation, or other disciplinary action against Respondent's license, in the discretion of the Board.

IX. The Board shall maintain this Consent Order as a public record pursuant to N.C. Gen. Stat. §§132-1 and 90-340(f) and shall provide copies to the American Counseling Association and the National Board of Certified Counselors, and to other agencies or individuals as required by law.

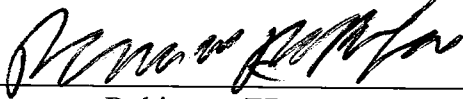
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This the 4th day of May, 2019.

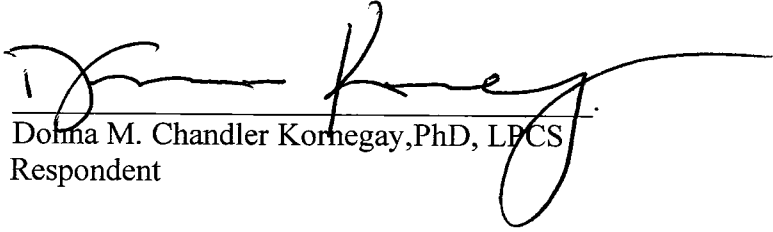
CONSENTED TO BY:

NORTH CAROLINA BOARD OF  
LICENSED PROFESSIONAL COUNSELORS

BY:

  
Denauvo Robinson, ED.D., LPCS  
Board Chairperson

6/7/19

  
Donna M. Chandler Komegay, PhD, LPCS  
Respondent